(B)

समक्ष माननीय म0प्र0 राज्य प्रशासनिक अधिकरण खंड पीठ रायपुर छ0ग0

(OA) 392/05

मूल आवेदन क्रं0 (59)/001

आवेदक

खिलावन राम साहू आत्मज एस.आर.साहू
आयु 39 वर्ष, सहायक शिक्षक पूर्व मा.शाला
भेड़िया नवागांव, विकास खंड बालोद
जिला दुर्ग छग0

विरूद्ध

अनावेदकगण

1. छ0ग0 शासन
द्वारा- सचिव
स्कुल शिक्षा विभाग, डी.के.एस. भवन
मंत्रालय रायपुर छ0ग0

2. जिला शिक्षा अधिकारी दुर्ग
जिला दुर्ग (छ0ग0)

आवेदन पत्र अंतर्गत धारा 19 म0प्र0राज्य प्रशासनिक अधिकरण अधिनियम 1985

(23)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3782 of 2005

Petitioner — Khilawan Ram Sahu
Versus
Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Y. C. Sharma , Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Midle School, Bhedia, Navagaon, Block - Balod, District – Durg was transferred to Middle School Kudari, Dalli, Dondi Lohara, on the same terms and conditions, vide order dated 6.9.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 17.9.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 13.9.2001. By virtue of the interim order the petitioner is continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur